

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEKAH DUBOIS,
Plaintiff.

v.

ANTHONY BOSKOVICH, et al.,
Defendants.

Case No. [21-cv-03224-HSG](#)

**ORDER DIRECTING SERVICE OF
SECOND AMENDED COMPLAINT**

Plaintiff Bekah Dubois filed this action pro se on April 30, 2021. *See* Dkt. No. 1. On May 7, 2021, Judge Kim¹ issued an order granting Plaintiff's motion to proceed *in forma pauperis*, but placed a hold on service of the complaint under 28 U.S.C. § 1915(e) because the complaint failed to establish that the Court had jurisdiction. *See* Dkt. No. 5. Judge Kim explained the deficiencies in the complaint and provided Plaintiff with another opportunity to amend. Having reviewed the amended complaint, Judge Kim again found that Plaintiff had failed to allege sufficient facts to establish that the \$75,000 amount in controversy was met, as required for the Court to have diversity jurisdiction over this case. *See* Dkt. No. 10. Accordingly, on July 22, 2021, Judge Kim recommended dismissing this case with prejudice. *See id.* at 3. The report and recommendation indicated that Plaintiff could file any objections within fourteen days. *See id.*


After the time for objections had passed, this Court adopted Judge Kim's report and recommendation and dismissed the case with prejudice. *See* Dkt. No. 16. The next day, the Court received Plaintiff's objection to the report and recommendation. *See* Dkt. No. 17. In it, Plaintiff suggested that she could cure the deficiencies in her complaint and requested an additional 30 days

¹ This case was previously assigned to Magistrate Judge Sallie Kim, and was reassigned to this Court on July 23, 2021. *See* Dkt. No. 14.

1 to file a second amended complaint. *Id.* The Court accordingly rescinded the dismissal and
2 directed Plaintiff to file her second amended complaint. *See* Dkt. No. 18. Having reviewed the
3 second amended complaint, Dkt. No. 20, the Court finds that Plaintiff has sufficiently explained
4 how this case meets the \$75,000 amount in controversy for diversity jurisdiction. Accordingly,
5 the Clerk of Court shall issue the summons. Furthermore, the U.S. Marshal for the Northern
6 District of California shall serve, without prepayment of fees, a copy of the complaint, as well as
7 any amendments or attachments; the Order for Reassignment and Report and Recommendation,
8 Dkt. No. 10; the Order Adopting the Report and Recommendation, Dkt. No. 16; Plaintiff's
9 Objection to the Report and Recommendation, Dkt. No. 17; the Order Rescinding Dismissal, Dkt.
10 No. 18; and this order upon Defendant(s).

11 **IT IS SO ORDERED.**

12 Dated: 12/1/2021

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14 HAYWOOD S. GILLIAM, JR.
15 United States District Judge
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